



AGENDA

PLANNING AND ZONING

FEBRUARY 28, 2013 @ 7:00 P.M.

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, February 28, 2013 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002:

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JANUARY 24, 2013.
2. PUBLIC HEARING, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PROPOSED CHANGES TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF PARKER. THE CHAPTERS OF THE ZONING ORDINANCE ARE SECTIONS 156.32,J ANIMALS; 156.33,J ANIMALS; 92 ANIMALS; 156.37,D LOT MAINTENANCE; AND 94 NUISANCE.

ROUTINE ITEMS

3. FUTURE AGENDA ITEMS
4. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before February 22, 2013 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

MINUTES
PLANNING AND ZONING COMMISSION MEETING
JANUARY 24, 2013

CALL TO ORDER – Roll Call and Determination of a Quorum

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:01 P.M.

Commissioners Present:

| | |
|--|---|
| <input checked="" type="checkbox"/> Chairperson Wright | <input checked="" type="checkbox"/> Commissioner Stone |
| <input checked="" type="checkbox"/> Commissioner Schroeder | <input checked="" type="checkbox"/> Commissioner Lozano |
| Commissioner Stanislav | |

| | |
|---|----------------------|
| Alternate Raney | Alternate Herzberger |
| <input checked="" type="checkbox"/> Alternate Sutaria | |

Sutaria was appointed a voting member.

Staff Present

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|---|--|
| <input checked="" type="checkbox"/> City Administrator Flanigan | <input checked="" type="checkbox"/> City Secretary Smith |
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Others Present

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| <input checked="" type="checkbox"/> Residents Keith Mantey and Wei Wei Jeang |
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PLEDGE OF ALLEGIANCE

The pledges to the American and Texas flags were recited.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JANUARY 10, 2013.

MOTION: Commissioner Lozano moved to approve the minutes as amended. Commissioner Schroeder seconded with Commissioners Stone, Schroeder, Lozano, Wright and Sutaria voting for. Motion carried 5 to 0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR JANUARY 17, 2013

Amendment: Commissioner Herzberger was present at the January 17 meeting.

MOTION: Commissioner Lozano moved to approve the minutes as amended. Commissioner Stone seconded with Commissioners Stone, Schroeder, Lozano, Wright and Sutaria voting for. Motion carried 5 to 0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING CODIFICATION CHAPTER 92, ANIMALS.

Commission discussed the current animal ordinance and proposed changes presented by Chairperson Wright. See exhibit A.

City Administrator Flanigan noted that public hearings would be required to amend the mowing and animal control ordinances. The tentative schedule for the public hearings is February 28 and recommendations will be presented to Council in March.

MOTION: Commissioner Stone moved to table this item to a future date. Commissioner Sutaria seconded with Commissioners Stone, Schroeder, Lozano, Wright and Sutaria voting for. Motion carried 5 to 0.

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON REVIEWING ALL CITY MAPS.

City Administrator Flanigan requested the Commission hold a meeting to discuss the city maps. It was decided to review each map individually beginning with the thoroughfare plan in March.

ROUTINE ITEMS

5. FUTURE AGENDA ITEMS

February 28 public hearings on mowing and animal control.
March 14- review of City thoroughfare map.

6. ADJOURN

Adjourned at 8:45 p.m.

Minutes Approved on _____ day of _____, 2013.

Chairman Russell Wright

Attest:

Commission Secretary Stanislav

Prepared by City Secretary Carrie L. Smith



Planning and Zoning Commission

Meeting Date: February 28, 2013

Agenda Subject:

PUBLIC HEARING, CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PROPOSED CHANGES TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF PARKER. THE CHAPTERS OF THE ZONING ORDINANCE ARE SECTIONS 156.32,J ANIMALS; 156.33,J ANIMALS; 92 ANIMALS; 156.37,D LOT MAINTENANCE; AND 94 NUISANCE.

Exhibits:

Proposed changes to

SECTIONS 156.32, J ANIMALS; 156.33, J ANIMALS; 92 ANIMALS

SECTIONS 156.37, D LOT MAINTENANCE; AND 94 NUISANCES

Summary:

Note: action may be taken in two separate motions, one for animals and one for mowing.

Action:

Open Public Hearing @ _____ pm

Close Public Hearing @ _____ pm

Commission Discussion

Commission Action – Make recommendation to City Council for approval of proposed changes.

§ 92.03 WILD, EXOTIC, AND VICIOUS ANIMALS.

(A) *Prohibited animals.* It shall be unlawful for a person to keep or harbor a prohibited animal within the city limits. Prohibited animals include the following. Any animal, regardless of state or duration of captivity, that poses a potential physical or disease threat to the public, that is protected by international, federal or state regulations, or that violates the city's nuisance ordinance, is considered to be excessively odiferous, noisy or having offensive characteristics, including but not limited to the following:

(1) Naturally Vicious Wild Animals

Those wild or vicious animals that would pose significant bodily threat to humans, animals or livestock, if not confined.

(1) *Class Reptilia.* Family Helodermatidae (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas and other elapids); the following listed species of Family Colubridae *Dispholidus typus* (boomslang), *Hydrodynastes gigas* (water cobra), *Boiga* (mangrove snake), and *Thelotornis* (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans and gavials).

Comment [R1]: Trying to say wild animals that are vicious and will attack and kill humans if they escape captivity. Is this already covered by the statement in paragraph A?

(2) *Class Aves.* Order Falconiforms (such as hawks, eagles and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus); Order Strigiforms (such as owls); genus *Meleagris* (such as turkey); genus *Inachis* (such as peacocks).

Comment [R2]: Many of these are already protected species.

(3) *Class Mammalia.* Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf dog hybrids, dingos, coyotes and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, mink and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees and gorillas); Order Rodentia (such as porcupines); Species Procine (such as swine and potbellied pigs).

(B) Prohibited animal does not mean a gerbil, hamster, guinea pig or laboratory mouse or rat.

(C) Large animal

(1) A large animal is defined as any herbivorous grazing animal over 500 pounds body weight. It shall be unlawful for any person to keep a large animal on any premises except as follows, or to keep any large animal on any premises in an unsanitary condition.

Comment [R3]: Most large animals are probably restricted by HOAs. Do we need all these rules for large animals? Has this been an issue in the past? Would it be?

Comment [R4]: Why isn't this in the definitions section?

(2) The minimum lot size for large animals is 1.8 net acres. For each lot, the portion of the lot in excess of one-half acre is determined to be the net grazing area. A person may keep large animals in accordance with the following:

(a) One large animal per one-half acre of net grazing area, when each animal is provided a fully enclosed stall inside a barn, suitable for the large animal's care and feeding, accessible by the animal and not used for storage or other use.

Comment [R5]: I understand from some cattle owners that having a single cow is not a good idea.

(b) One large animal per acre of net grazing area when no fully enclosed stall is provided for the large animal.

(c) Two herbivorous grazing animals less than 500 pounds body weight shall be considered the same as one large animal in the calculation of the number of animals permitted on a lot.

(d) A special permit may be requested by applicants wishing to keep animals with a minor variance from the terms of this division (C).

Comment [R6]: Where is this covered? Is there a process?

(Ord. 414, passed 12-17-1996; Am. Ord. 560, passed 10-26-2004; Am. Ord. 625, passed 7-1-2008) [Penalty, see § 92.99](#)

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (EXISTING)

(D) Lot maintenance. In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height, shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

156.37 SUPPLEMENTARY DISTRICT REGULATIONS (PROPOSED)

(D) Lot maintenance. In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height, shall be presumed to be objectionable and unsightly. The following provisions relate only to the height of grass and weeds on properties with an area or areas, which have remained in their natural state:

(1) **On lots of 2 acres or more:** that portion of the property that has remained in its natural state – grass and weeds are not permitted to grow to a height in excess of eight (8) inches adjacent to a public or prescriptive road right of way for a distance of twenty (20) feet into the property from said right of way and within ten (10) feet of adjoining property. Beyond the above limits, grass and weeds are not permitted to grow to a height in excess of twenty-four (24) inches, unless the vegetation is for agricultural operations.

(2) **Agricultural operation includes the following activities:**

- (A) **Cultivating the soil;**
- (B) **Producing crops for human food, animal feed, planting seed, or fiber;**
- (C) **Floriculture;**
- (D) **Viticulture;**
- (E) **Horticulture;**
- (F) **Silviculture;**
- (G) **Wildlife management;**
- (H) **Raising or keeping livestock or poultry.**

(3) **This does not apply to front yards as defined in Supplemental District Regulations Section 156.37 (G) (1).**

Regularly cultivated crops shall not be allowed to grow within the public or prescriptive road right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

(For discussion at Parker P & Z Meeting on January 10, 2013)

COMMENTS CONCERNING PROPOSED REVISIONS TO 156.37
SUPPLEMENTARY DISTRICT REGULATIONS

In wording this proposed ordinance revision I was trying to determine how certain property uses are being misused and are causing a problem with the image and laws of the City of Parker and its residents. I am well aware of how those of us responsible for making sure the health, safety and welfare of the City residents are protected. I am also aware of how we pride ourselves with the image of "Keep Parker Country". It is easy to place restrictions on things we personally feel are offensive to our personal lifestyle. It is not easy to compromise and place restrictions that can please everyone.

I know that we have specific zoning areas and yet we sometimes feel a catch all as limiting grass or weeds to 12 inches to all districts is sufficient for all zoning districts. Yet it is a difficult limitation to enforce and in some cases very unfair. I know that there are those individuals who feel all areas should be maintained in the same manner as they strive to achieve. This can lead to uncomfortable decisions on the part of those responsible for enforcement, and the need to attempt to achieve a compromise within the limits of the governing powers.

I personally observed, as many of you have, many areas which are not abiding by the mowing limitations, but are only offensive to a few. It does not seem these locations are hurting the image of Parker as a choice area for living as we are considered the best in the metroplex.

I know that the way the proposed revision is worded makes it seem that I believe all areas should be considered agriculture. I felt that by using the words "natural state" to refer to areas that could be allowed to use their property in ways that to me are more "country".

To me natural state means areas that have not been changed artificially or are in a primitive or unaltered state. That means, to me, a pasture or lot that is not being used for any activity other than what I have listed in the proposed revision (dated January 10, 2013).

This proposal would not supercede any HOA or other local restrictions that I am not aware of, but in several cases it would make it possible for those of us who want to use our property in other ways than just keeping it mowed down to satisfy others.

I like the comments of residents who want to keep Parker "Countryside in the Midst of Congestion" and keep our charm and country like quality of life.

Someday we may feel we should attain the urban lifestyle of other Cities as Highland Park, Plano, Dallas, etc., but for now I would prefer we show some latitude in how we can compromise with our neighbors and still be proud of our city.

Tom Stone
January 10, 2013